IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Misc. Petition No.1785/2007

(Gurdayal Singh & Ors.. Vs. State & Anr.)

Date of Order : 21.11.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. M.K. Garg for petitioners.
Mr. Ashok Upadhyay, P.P.

By the instant criminal misc petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 24th September, 2007 passed by the learned Additional Sessions Judge, Sri Karanpur, District Sri Ganganagar (for short `the revisional court') whereby the revision petition filed by the petitioners against the order dated 24th June, 2006 passed by the Additional Chief Judicial Magistrate, Sri Karanpur, District Sri Ganganagar (for short `the trial court') was dismissed.

Heard learned counsel for the petitioners and carefully gone the orders passed by the courts below.

By order dated 24th June, 2006, the trial court took cognizance of the offence under Section 494 IPC against petitioner No.1 Gurdayal Singh and other petitioners under Section 494/109 IPC and issued processes. On filing a revision, the revisional court on examination of the material available on record, prima facie, came to the conclusion that the trial court was justified in taking cognizance against the petitioners and dismissed the revision petition.

The petitioner has already availed remedy of one revision as envisaged under Section 397 Cr.P.C. and in the grab of petition under Section 482 Cr.P.C., the petitioner seeks to avail remedy of second revision, which is barred by Section 397 (3) Cr.P.C. However, in the exception cases, this Court may interfere under Section 482 Cr.P.C., if the order under challenge points out serious miscarriage of justice or abuse of the process of the Court. On perusal of the orders passed by the trial court and affirmed by the revisional court, it appears that there are witnesses in those presence petitioner Gurdayal Singh contracted second marriage with Veerpal Kaur in presence of Guru Granth Sahib and there is evidence that 'Granthi' got performed the marriage by Sapta-Padi (Phere).

In this view of the matter, I do not find any merit in the petition warranting interference under inherent jurisdiction.

The instant criminal misc. petition is, therefore, dismissed.

(H.R. PANWAR), J.

vij

S. B. Criminal Misc. Stay Petition No.1406/2007
In
S.B. Criminal Misc. Petition No.1785/2007

Date of Order : 21.11.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. M.K. Garg for petitioners.
Mr. Ashok Upadhyay, P.P.

Since the main petition itself has been dismissed, the stay petition also stands dismissed.

(H.R. PANWAR), J.

vij